

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare - East Godavari District - Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959, by Sri Avugadda Devudu S/o Nukayya R/o Yerrampadu (V) Rajavommangi (M), East Godavari against the orders of the Additional Agent to Government, Rampachodavaram in CMA No.18/2005, dated:23-7-2005 - Dismissed - Orders - Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No. 229

Dated:24-11-2008.

Read the following:

1. From Sri. S.R. Sanku, Counsel for the petitioner in Revision Petition dt:24-9-2005.
2. Government Memo No.1268/LTR-2/2006 dt:17-6-2006.
3. From Hon'ble High Court of Andhra Pradesh in W.P No.22688/2005, dt:21-10-2005.
4. From the Project Officer, ITDA, Rampachodavaram in R.C No.T8/CRP/1268/2006 dt:12-9-2006, received on 4-10-2006.
5. Government Memo No.1268/LTR-2/2006 dt:23-8-2007.

ORDER:

In the reference 1st read above Sri Avugadda Devudu S/o Nukayya has filed a Revision Petition along with stay petition before the Government against the orders of the Additional Agent to Government in CMA No.18/2005 dated:23-7-2005, in respect of lands admeasuring Acres 7.70 cents in Sy.No.16 of Yerrampadu (V) Rajavommamgi (M) of East Godavari District. The main grounds of the appellant in the Revision Petition among others are:-

- i. The Government authorities cannot take away the lands which were reclaimed and made cultivable by the petitioner.
 - ii. The petitioner neither purchased the lands from the tribals nor did the tribals transferred the land to the petitioners.
 - iii. The petitioner started cultivation of the land even prior to 1970 and while continuing to cultivate the land he has been paying the revenue to the Government.
2. The brief history of the case is that the Special Deputy Tahasildar (TW), Rajavommangi (M) filed a case before the restoration of the land in Sy N.16 extent of 7.70 cents of Yerrampadu (V) to Government after ejecting the Sri Avugadda Devudu as the Tax receipts vary from 21-4-1966 show payment of Tax for land in patta No.39 only. The Special Deputy Collector (TW), after conducting through enquiry concluded that the possession of non tribal respondents on Government land is in violation of Section 3 (1) (a) of Regulation 1/70 and also the executive direction of Government and is liable for ejection of non-tribal respondents from P.S land and for restoration of the same to Government for onward assignment to eligible tribals vide LTRP No.234/2004 dt:29-12-2004. Aggrieved by the order of the Special Deputy Collector (TW), Sri Avugadda Demudu has filed an appeal before the Additional Agent to Government. The Additional Agent to Government after having examined the records and written arguments observed, and held that there is no dispute to the fact that the P.S land is a Government land and is situated in Scheduled area and the appellant Sri Avugadda Devudu is Non-Tribal. The appellant has not produced any proof of title over the land and it has been an encroachment as admitted by the appellant in his argument that he brought the Government Land into cultivable land. It is now well settled that the Regulation has been specifically brought out with a view to regulate transfer of the land in scheduled areas. The whole object being to see that the right and enjoyment of the tribals be sufficiently protected without any interference or occupation by the non-tribals. It is with this view all such transfers are

being held to be void and the Regulation contemplates the procedure for restoration of the lands to the tribals. The Additional Agent to Government further concluded that the appellant Sri Avugadda Devudu being a Non-Tribal encroached the P.S land situated in the scheduled area without any rightful ownership and title which is not tenable and violative Under Section 3 (1) (a) of Regulation 1/1959 as amended by 1/70. The Additional Agent to Government, Rampachodavaram, East Godavari District, in exercise of the powers conferred under rule 8 (1) (2) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 and LTR 1/59 as amended by 1/70, and upheld the orders of the Lower Court in LTRP No.234/2004, dt:29-12-2004 of the Special Deputy Collector (TW), Rampachodavaram and dismissed the appeal in CMA No.18/2005, dated:23-7-2005, and the Mandal Revenue Officer, Rajavommangi was directed to evict the non-tribal appellant and his men and to restore the lands in Sy.No.16 Acres 7.70 of Yerrampadu (V) of Rajavommangi (M) to Government for onward assignment to eligible tribal beneficiaries. Aggrieved by the orders of Additional Agent to Government, the petitioner filed Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, Rampachodavaram was requested to furnish Para-wise remarks and case records and the same were furnished in reference 4th read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 31.8.2007. The Petitioner was absent and the counsel for the petitioner was present and argued the case corroborating grounds of the Revision Petition.

4. Government after examination of the material evidence available on record found that:

- i. The P.S land is Government land situated in Yerrampadu (V) a scheduled village of Rajavommangi (M) in East Godavari District.
- ii. The petitioner is non-tribal and illegally occupied the Government land in Sy.No.16 measuring Acres 7.70 cents.
- iii. The petitioner admitted before the lower court that he has occupied the Government land. He failed to produce any documentary evidence in support of their claim over the disputed land.
- iv. The illegal occupation of the Government land in the Scheduled Areas by non-tribal is objectionable as per the Revenue Boarding Standing Orders and also the Andhra Pradesh Land Encroachment Act, 1905, as that the petitioner's occupational right is prima- facie illegal and cannot be ratified at any time. The illegal occupation itself is a notice under the law. Moreover, the G.O.Ms.No.971, Revenue (B) Deptt dt:7-10-1969 prohibits all assignments of Government lands in agency area in favour of non-tribals.
- v. As it is clearly held that the non-tribal is in illegal possession of Government land in the scheduled village, and there is no point to keep the case pending any further.

5. Government after careful examination of the case records find no reason to interfere with the order of the Additional Agent to Government, Rampachodavaram in CMA No:18/2005, dt:23-7-2005 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of Andhra Pradesh in W.P No:22688/2005 will become inoperative.

6. The Collector, East Godavari District / Additional Agent to Government, Rampachodavaram is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,

Prl. Secretary to Government.

To

The Collector, East Godavari District.

(with RPAD of the following records)

1. CMA No.18/2005 pp 1-72 only.

2. LTRP No.234/2004 pp 1-24 only.

The Additional Agent to Government, Rampachodavaram, East Godavari.

The Special Deputy Collector (TW), Rajavommamgi (M), East Godavari.

The Special Deputy Tahasildar, Rajavommamgi (M), East Godavari.

The Mandal Revenue Officer, Rajavommamgi (M), East Godavari District.

Sri. S.R. Sanku, Advocate, Tarani, Plot No.3, H.No.11-20-5,
Behind Huda Complex park, Saroor Nagar, Hyderabad.

Sri Avugadda Devudu S/o Nukayya

R/o Yerrampadu (V) Rajavommamgi (M), East Godavari.

Copy to the P.S to M (TW & RAID).

SF /SC

// FORWARDED BY ORDER //

SECTION OFFICER